



CITY COUNCIL AGENDA REPORT

MEETING DATE: April 5, 2004

ITEM NUMBER:

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF BANNERS ON CITY OWNED PROPERTY.

DATE: March 25, 2004

FROM: ADMINISTRATIVE SERVICES DEPARTMENT/RECREATION DIVISION

PRESENTATION BY: JANA M. RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: JANA RANSOM, 714-754-5654

RECOMMENDATION:

Recommend City Council give first reading to the Ordinance which amends Sec 13-111 of Article 2, Title 13 of the Costa Mesa Municipal Code, relating to signs and banners on athletic fields, and recommend City Council allow the existing banners to be displayed through the end of the current league season.

BACKGROUND:

At the July 14, 2003, Study Session, staff brought to City Council various issues relating to youth athletic field use at California/TeWinkle Schools. One of the issues discussed related to banners displayed by youth sports groups on fences and backstops. Residents adjacent to the school questioned whether or not the banners are in compliance with the City's sign ordinance. Council requested that staff further research the banner issue and return to Council with revised language to the Municipal Code, if appropriate.

ANALYSIS:

Research into the regulations indicates the existing language was written specifically to address signs and banners on commercial and industrial properties, not youth organization banners displayed on athletic fields or school grounds. Recreation staff met with Development Services and City Attorney staff to discuss and propose revisions to the Code to include athletic fields under the existing sign/banner regulations. Attachment 1 is the proposed ordinance which adds language to the Municipal Code to include "athletic fields".

Title 13 of the Costa Mesa Municipal Code relates to zoning and as such, the Planning Commission is required to review and hold a public hearing on changes or amendments to this section of the Code. Recreation staff appeared before the Planning Commission at their regular meeting of March 22, 2004 to present the proposed amendment and answer questions. During the discussion, several issues were raised relating to the installation and displaying of banners. Commissioners asked if staff had contacted the

Newport Mesa Unified School District for their input. As Attachment 1 shows, the definition of an athletic field includes those fields used under Joint Use Agreements and therefore banners could be displayed on District property. District staff have reviewed the proposed amendment and Administration Regulation 5.10 (Attachment 2) (which describes the process whereby sport leagues and organizations will request banners be displayed), and requested the following requirements:

1. Banners will not exceed 2' by 10'
2. Banners that remain up for the duration of a sports season may not exceed 2' by 6'
3. Banners will not contain more than 3 colors
4. Banners will not be displayed on any school fences at any time other than during the actual activity
5. Banners may not be placed within 50' of homes.

As mentioned above, proposed Administrative Regulation 5.10 (Attachment 2) establishes policies, procedures, and standards for the installation, monitoring, and removal of banners on athletic fields. The Recreation Manager, or their designee, will be responsible for receiving and processing banner installation requests. Groups who would like to display banners will be required to submit a request and list the locations, dates of installations and removal, and the size of the banners. Staff will review the requests and make a determination on compliance with the proposed regulations.

The Planning Commission also discussed the actual locations where banners can be placed. There was concern that banners could be displayed on any fence within the definition of an athletic field, including those that border streets. The intent of this amendment is to allow City sponsored events and/or youth leagues to display sponsor banners on the fences and backstops of the actual field, such as the outfield fence or interior fencing of sports facilities or on the field if no fencing exists. Signs that create a safety hazard by obstructing the clear view or passage of pedestrian and vehicular traffic continue to be prohibited. The second intent of this proposed ordinance is to effectively legitimize a longstanding practice of allowing banners to be displayed. As discussed during the Planning Commission meeting, banners have been displayed for a number of years, and the changes to the ordinance will allow that practice to continue in compliance with the City Municipal Code.

Finally, there was discussion regarding limiting the banners to only Little League, only at California/TeWinkle Schools or only to Group 1 users. Under the Athletic Field/Facility Use and Allocation Policy, a Group 1 user must be a non-profit organization who partner with the City, have at least 90% residents, have open registration regardless of skill level, and provide an "everyone plays" philosophy.

Both residents adjacent to California/TeWinkle Schools and representatives of the sports leagues were in attendance and commented on this item during the public hearing. After discussion of the various items, Planning Commission voted 4 –1 (Bever) to recommend that City Council:

1. Give first reading to the Ordinance which amends Sec 13-111 of Article 2, Title 13 of the Costa Mesa Municipal Code, relating to signs and banners on athletic fields,
2. To change the wording in the Ordinance to limit the banners to Group 1 users only,
3. To delete the word "content" from Sec II, Paragraph 1, part (e) of the Administrative Regulation,

4. To add “or otherwise tarnished by graffiti” to Sec II, Paragraph 3 part (b) of the Administrative Regulation,
5. To add language to the Administration Regulation allowing leagues or sports teams to submit a “streamlined” application to approve multiple banners on a single installation request.
6. To request Council consider allowing sports leagues to display their banners through the end of their league season.

Staff concurs with the recommendation to limit the use of banners. Staff proposes to modify the language in the definition of an “athletic field” in the proposed ordinance, to include, ***“Athletic Field. Any park, grounds, or other real property (collectively referred to as “property” for the purpose of this definition) owned, rented, or leased by the City not within the public right-of-way or any such property used by the City under a joint use agreement or any such property that is used by the City in conjunction with City sponsored events or recreation programs (i.e., Group 1 users as defined in the Athletic Field/Facility Use And Allocation Policy)”***.

In addition, staff concurs with the elimination of “content” and the addition of “or damaged due to graffiti” from the Administrative Regulation. Finally, staff will work with the affected user groups to develop a form/process to request banners that will allow multiple banners on a single request, both to reduce the burden on users as well as staff.

Finally, the Planning Commission discussed ways to allow the leagues to display the existing banners through the end of the league season. Commission believes that because of the fundraising that has taken place, the leagues should be allowed to display the banners they have until the end of the current league season while the proposed ordinance is progressing through the hearing process. Planning Commission is therefore requesting that Council consider granting permission to allow the banners to be displayed for the balance of the league season (mid-June).

ALTERNATIVES CONSIDERED:

1. Maintain the existing ordinance language which would prohibit the banners that could be displayed on public property (athletic fields).
2. Amend the Ordinance to allow banners to be displayed on athletic fields but designate specific time periods:
 - a. For the duration of the sport season,
 - b. For a specified time period (week, month, etc)
 - c. Display and remove daily.

FISCAL REVIEW:

There is no fiscal review necessary for this item.

LEGAL REVIEW:

Legal has reviewed the documents and approved them as to form.

CONCLUSION:

Sponsorship is a major component of youth sports and banners play an integral role in fundraising for youth sports teams. Council requested staff to research the Municipal Code and, if appropriate, revise the regulations to allow youth sports organizations to display banners. The proposed regulations will add “athletic fields” to the sign/banner ordinance and allow banners to be displayed on public property owned, rented or leased by City (including those properties under joint use agreements) for City sponsored events or recreation programs. Planning Commission has reviewed the proposed Ordinance and recommended Council give first reading with changes to the ordinance and Administrative Regulation. Staff concurs with the recommendation to limit banners to City sponsored programs (including Group 1 users). It is therefore recommended that the City Council give first reading to the Ordinance which amends Sec 13-111 of Article 2, Title 13 of the Costa Mesa Municipal Code, relating to signs and banners on athletic fields with changes as proposed by the Planning Commission and it is recommended that the City Council allow the sports leagues to display their banners through the end of the current league season.

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DISTRIBUTION:

ATTACHMENTS: 1 [Proposed Ordinance](#)
 2 [Proposed Administrative Regulation](#)